IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.453 OF 2006
IN
SUIT NO.2852 OF 1996

Vora Automotives P.Ltd. ..Plaintiffs

Vs.

Central Bank of India ..Defendants

Mr.A.Y.Bookwala i/b Mr.Raj Baid for the plaintiffs

Mr.H.Thakkar i/b Mr.Rajesh Shethia for the defendants

CORAM : S.U.KAMDAR, J
DATED : 21ST FEBRUARY, 2006

P.C.:

1. By consent of the parties, the following order is passed:

2. Motion made returnable forthwith.

3. The learned counsel for the defendants states that they will deposit the entire decreetal amount of Rs.1,20,00,000/- within two weeks from today. If the said amount is deposited, plaintiffs will be entitled to withdraw to the extent of

Rs.60,00,000/- on furnishing solvent security including suit premises itself to the satisfaction of the Prothonotary and Senior Master, High Court, Mumbai. The balance of Rs.60,00,000/- will be invested by the Prothonotary and Senior Master, High Court, Mumbai in a Fixed Deposit of any Nationalised Bank other than the Central Bank of India initially for a period of one year and renew the same from time to time till further orders. Defendants also shall pay the cost quantified at Rs.25,000/- in respect of the present motion and for setting aside the exparte decree which has already been passed.

4. On the aforesaid terms and conditions, motion is made absolute. Exparte decree dt.13.10.03 is set aside. In an event if the amount is not deposited or cost is not paid, motion to stand dismissed. Consequent of setting aside decree, warrant of attachment stands raised.

5. In the aforesaid circumstances, I am of the view that the hearing of the present suit should be expedited. Accordingly, hearing of the suit

expedited. Defendants to file written statement within 4 weeks from today. Inspection within 4 weeks thereafter. Defendants to file affidavit of documents within 2 weeks thereafter. Plaintiffs will be at liberty to move the court for appointment of Commissioner for recording evidence.

. Parties to act on an ordinary copy of this order duly authenticated by the Personal Assistant of this court.